

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA MCNEARY-CALLOWAY,
COLIN MACKINNON, TERRIE
MACKINNON, ANDREA NORTH and
SHEILA M. MAYKO, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A. and
CHASE BANK USA, N.A.

Defendants.

Civil Action No. 3:11-cv-03058-JCS

**[PROPOSED] ORDER REGARDING
PLAINTIFFS' MOTION TO
CONSOLIDATE**

Date: April 19, 2013

Time: 9:30 a.m.

Location: Courtroom G, 15th Floor

Judge: Hon. Joseph C. Spero

PATRICIA A. LEGER, LEAMON E. LEGER,
JR., GARRY ("MITCH") MITCHELL
VARNES, JR. and KATHRYN A. VARNES,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

JP MORGAN CHASE BANK, N.A., CHASE
BANK USA, N.A., ASSURANT, INC.,
AMERICAN SECURITY INSURANCE
CORPORATION and BANC ONE
INSURANCE COMPANY,

Defendants.

Case No. CV-12-03632-JCS

**PLAINTIFFS' MOTION TO
CONSOLIDATE**

Date: April 19, 2013

Time: 9:30 a.m.

Location: Courtroom G, 15th Floor

Judge: Hon. Joseph C. Spero

Case No. 3:11-cv-3058-JCS

Case No. 12-cv-03632-JCS

[Proposed] Order Regarding Plaintiffs' Motion to Consolidate

Upon consideration of the Motion for Consolidation filed by Plaintiffs Patricia McNeary-Calloway, Colin MacKinnon, Terrie Mackinnon, Andrea North and Sheila M. Mayko in *McNeary-Calloway, et al. v. JPMorgan Chase Bank, N.A., et al.*, Case No. 11-CV-3058-JCS (“*McNeary-Calloway*”), and Plaintiffs Patricia A. Leger, Leamon E. Leger, Jr., Garry (“Mitch”) Mitchell Varnes, Jr. and Kathryn A. Varnes in *Patricia A. Leger, et al. v. JPMorgan Chase Bank, N.A., et al.*, Case No. 12-CV-3632-NC (“*Leger*”), and for good cause shown, it is this 18th day of April, 2013:

ORDERED that Moving Plaintiffs’ Motion to Consolidate is **GRANTED**; and

IT IS FURTHER ORDERED that:

(1) the action currently captioned *Patricia A. Leger, et al. v. JPMorgan Chase Bank, N.A., et al.*, Case No. 12-CV-3632-NC shall be consolidated into the *McNeary-Calloway, et al. v. JPMorgan Chase Bank, N.A., et al.*, Case No. 11-CV-3058-JCS action with which it is currently related pursuant to FED. R. CIV. P. 42(a) for all purposes;

(2) filings in the consolidated case shall be made in the *McNeary-Calloway* docket where the further prosecution of the consolidated action will proceed under the caption *In Re JPMorgan Chase LPI Hazard Litigation*, Case No. 11-CV-3058-JCS;

(3) within thirty (30) days of the date of this Order, Plaintiffs shall file a single Master Consolidated Complaint, attached as Exhibit A to the Ciolko Declaration, which shall be the operative complaint for further proceedings in the consolidated action;

(4) without limiting Defendants’ rights to raise any applicable procedural or substantive objection thereto, Plaintiffs may include in the Master Consolidated Complaint additional plaintiffs and claims arising out of the LPI Hazard practices that are currently asserted in actions pending outside of California to facilitate the prosecution of those claims in this consolidated action instead of in the separate venues where they are currently pending;

Case No. 3:11-cv-3058-JCS

Case No. 12-cv-03632-JCS

[Proposed] Order Regarding Plaintiffs’ Motion to Consolidate

1 (5) within forty-five (45) days of the filing of the Master Consolidated Complaint,
2 Defendants shall Answer or otherwise move under FED. R. CIV. P. 12(b)(6) in response to the
3 Master Consolidated Complaint on any applicable substantive or procedural grounds; and

4 (6) all existing deadlines regarding answers and/or responses to the separate previously
5 operative complaints consolidated by the Order are vacated.

6 (7) The Court notes that all parties have previously consented to the assignment of this
7 matter to a magistrate judge for all purposes pursuant to 28 U.S.C. § 636 (c). The new plaintiffs
8 identified in the Master Consolidated Complaint have also consented as reflected in their consents
9 attached as Exhibits B, C, D, E and F to the Ciolko Declaration.
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1 **IT IS HEREBY ORDERED AS FOLLOWS:**

2 Plaintiffs' Motion to Consolidate is GRANTED.

3 **IT IS SO ORDERED.**

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5 Dated: April 18, 2013

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7 HONORABLE JOSEPH C. SPERO
8 UNITED STATES MAGISTRATE JUDGE
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